

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 5:22-cr-00182

CHRISTOPHER SMYTH

ORDER

Pending is Defendant's Motion to Continue Pretrial Deadlines and Trial [Doc. 38].

Counsel for Defendant asserts a continuance is necessary in order for Defendant's counsel and experts to prepare adequately and provide an effective defense at trial in light of the volume of discovery and a recent development prompted by Defendant's Motion for Bill of Particulars.

The Court **FINDS** that the interests of the public and the Defendant in a speedy trial are outweighed by the ends of justice served by granting a continuance. Accordingly, for good cause shown, and without objection from the Government, the Court **GRANTS** the Motion [Doc. 38]. The trial, previously scheduled for February 28, 2023, is **CONTINUED** to **May 9, 2023**, at **9:00 a.m.** The Court additionally **ORDERS** as follows:

1. That counsel must be prepared to select a jury on the Friday immediately preceding trial if so ordered;
2. That the deadline for filing superseding indictments, if any, shall be thirty (30) days prior to the trial date;
3. That the parties must submit their respective proposed witness lists, voir dire, jury instructions and verdict forms no later than **May 1, 2023**. The proposed witness lists, voir dire, jury instructions and verdict forms must be submitted in Microsoft Word

format via email to Sydney_Whittington@wvsd.uscourts.gov;

4. That pretrial motions will be heard **April 11, 2023, at 11:00 a.m.**, before the Honorable Omar J. Aboulhosn, United States Magistrate Judge, at the United States District Court in Beckley and that any motions to be addressed at the pretrial motions hearing, as well as any motions in limine, shall be filed no later than **April 4, 2023**;
5. That the parties must notify the Court of any proposed plea agreement so that a plea hearing may be scheduled a week before trial. Should a scheduled plea hearing not be completed, the Court is unlikely to consider that event to support a continuance of the trial.

The Court **FINDS** that the time between **February 28, 2023**, and **May 9, 2023**, is excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(7)(A).

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Aboulhosn, to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: February 14, 2023




Frank W. Volk
United States District Judge